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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,115	02/06/2006	Joachim Neuhaus	NEUH3002/FJD	9465
23364 7590 01/08/2009 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176				
EXAMINER				
OBEID, FAHD A				
ART UNIT		PAPER NUMBER		
3627				
MAIL DATE		DELIVERY MODE		
01/08/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/539,115

**Applicant(s)**

NEUHAUS ET AL.

**Examiner**

FAHD A. OBEID

**Art Unit**

3627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Status of the Application*

1. This is in reply to application filed on 09/30/2008.
2. No claims have been added or cancelled.
3. Claims 10 and 12 have been amended.
4. Claims 10-18 are currently pending and have been examined.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. **Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bugarin (US 6,606,570) in view of Bezos (US 6,029,141).**

4. Regarding Claim 10-11 and 17-18: Bugarin discloses a method for product selection of a device of process automation engineering via the Internet, comprising the steps of:

- Establishing an Internet connection between a customer-side client-computer which contains a planning module, and a manufacturing-side server, which contains a product database (a server connects to a client computer used by a user; col 2 lines 8-21).
- Selecting at least one product line from the product database by query of basic data via the Internet (the server receives input flow stream parameters from a user, the input flow stream parameters are used by the server to determine flow meter parameters; col 2 lines 21-24).
- Transmitting from the manufacturer-side server to the customer-side client-computer a first identifier characterizing the selected product line (the server may generate a display including the at least one model suitable for the flow meter parameters, the display is transmitted to the remote computer and displayed to the customer; see col 2 lines 26-30).
- Specifying a product of the product line with the help of the planning module, by local query of application data at the customer-side client-computer (the user then selects one of the at least one models and transmits a request for the selection to the server; col 2 lines 30-32).
- Expanding the first identifier to a second identifier, which more accurately characterizes the specified product (the user then selects one of the at least one models and transmits a request for the selection to the server; col 2 lines 30-32).

Bugarin does not explicitly disclose an identifier characterizing a selected product.

However, Bezos does disclose an identifier characterizing a selected product (col 5 lines 41-44, col 7 lines 28-30, col 8 lines 1-11, and claim 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Bezos's teachings in Bugarin's flowmeter sizing and ordering system enabled, for the advantage of encoding data to protect consumer's privacy, identity, and business related information.

5. Regarding Claim 12: Bugarin discloses a method as claimed in claim 10, wherein: the basic data include a measuring principle (col 1 lines 49-64 and col 4 lines 52-59).
6. Regarding Claim 13: Bugarin discloses a method as claimed in claim 10, wherein: the application data includes process parameters and/or data concerning a medium (col 2 lines 33-41, col 4 lines 36-46, and col 7 lines 26-39).
7. Regarding Claim 14: Bugarin discloses a method as claimed in claim 10, wherein: the planning module has a calculating module, which determines measurement-principle-specific variables (fig 6, col 2 lines 45-48, and col 4 lines 3-8).
8. Regarding Claim 15: Bugarin discloses a method as claimed in claim 14, wherein: a measurement-principle-specific, characterizing-variable is e.g. measurement accuracy (claims 19-21).

9. Regarding Claim 16: Bugarin discloses a method as claimed in claim 10, wherein: the planning module determines with the calculated characterizing-variables a device whose device parameters fit the characterizing-variables (col 2 lines 14-16).

***Response to Arguments***

1. Applicant's arguments have been fully considered but they are not persuasive. In particular the applicant argues that: a) Bulgarian does not disclose identifiers when transmitting product specifications to make an order.

In response to a) examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Bulgarian teaches a client computer used to order product from a server, the user transmits product parameters to order a product from the server, the server then generates a display based on the user product parameters that includes at least one model suitable for the product parameters and transmits the display to the client computer; the user then selects one of at least one models and transmits a request for the selection to the server (col 2 lns 8-32); Bulgarian is silent about characterizing the selected product using identifiers. However, Bezos discloses an identifier such as a unique identifier for a selected product (col 7 lns 28-30); an item identifier (claim 1). Therefore the combination of Bezos's teachings in Bugarin's "flowmeter sizing and ordering system" still meet the scope of the limitation as currently claimed, for the advantage of encoding data to protect consumer's privacy, identity, and business related information.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAHD A. OBEID whose telephone number is (571)270-3324. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fahd A Obeid/  
Examiner, Art Unit 3627  
12/26/2008

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627